

# **MINUTES**

for approval on **01/31/2022**

**01/10/2022 – Regular Meeting**  
**Amended**

**Middleboro Board of Selectmen  
Meeting Minutes**

**January 10, 2022**

Chairman Germain opened the meeting at 7:00 PM and asked those in attendance to join him in the Pledge of Allegiance.

In attendance were: Selectmen A. Battistini, N. Demers, M. Germain and N. Rosenthal. Also present was Town Manager, R. Nunes and Executive Assistant, Colleen Lieb. Absent was Selectmen L. Dalpe.

This meeting was recorded by MCCAM for broadcast on Comcast and Verizon.

**UNANTICIPATED**

Selectmen Demers noted that the Tourism Committee voted at their last meeting to ask the Board of Selectmen to place on their next agenda "Vote to ask Town Counsel if the Tourism Committee can use Executive Session to discuss intellectual property that might be detrimental to the Committee if discussed in Open Session."

Selectmen Demers noted that the Bristol-Plymouth High School vote on the new High School has been scheduled for Saturday, March 5, 2022 from 9 AM to 3 PM.

**ANNOUNCEMENTS AND RECOGNITIONS**

Matt Foye, Facilities Manager, provided an update to the Board of the events and revenues at the Oliver Estate as well as upcoming events that are in the planning stages.

**MINUTES**

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Battistini, the Board voted unanimously to approve the 12/13/2021 & 12/20/2021 minutes as presented.

**WARRANTS**

Upon motion made by Selectmen Battistini and seconded by Selectmen Demers, the Board voted unanimously to authorize the Chairman or his designee to sign the warrants for week ending 1/15/2022 and 1/22/2022.

**NEW BUSINESS**

Upon motion made by Selectmen Battistini and seconded by Selectmen Rosenthal, the Board voted unanimously to award contracts to the bidders listed under the SERSG DPW Services Invitation for Bid (IFB) for a twelve month period commencing 2/1/2022 and contingent upon the receipt of the appropriate documents to be submitted.

Upon motion made by Selectmen Battistini and seconded by Selectmen Rosenthal the Board voted unanimously to approve and sign the presented resolution to authorize the Town to participate in the Mass Commercial Property Assessed Clean Energy Program (PACE).

Upon motion made by Selectmen Battistini and seconded by Selectmen Demers, the Board voted unanimously to approve and sign a Betterment Agreement for Ryan & Christine Herrick, 2 Rachel's Court in the amount of \$25,000.

Upon motion made by Selectmen Battistini and seconded by Selectmen Demers, the Board voted unanimously to approve and sign a Betterment Agreement for William & Pamela Cavanaugh, 174 Plympton Street in the amount of \$20,273.49.

Upon motion made by Selectmen Battistini and seconded by Selectmen Demers, the Board voted unanimously to approve a Betterment Agreement with Jeffrey & Sherry Knight, 15 Wayside Drive in the amount of \$26,340.

COA Emergency Plumbing

*Matt Foye, Facilities Manager, was present through Zoom for the discussion.* M. Foye presented to the Board the plumbing issues at the COA. A contractor was called in to clear a clog but it became clear that there were some additional issues. A camera was brought in to look at the pipes and it was found that they have settled under the floor in two spots as well as the connection to the cast iron is not dipped properly. The piping is through a poured concrete floor and will require jackhammering to get to the pipes to do the repairs. The total bid amount for the project is \$64,000.

Upon motion made by Selectmen Battistini and seconded by Selectmen Demers, the Board voted unanimously to authorize the Town Manager to sign a contract with the vendor awarded for the COA emergency plumbing repair project, subject to the approval of the contract from Town Counsel.

Discussion on Hometown Oak Point License Fee

*Lisa Goodheart, Sugarman & Rogers and Gregg Corbo – KP Law were present through zoom for the discussion.* Attorney Goodheart explained that they have responded to the correspondence that was submitted by P. Fay, which raised a number of questions and one question had to do with the License Fee paid to the Town. She referenced the January 7, 2022 response and asked if there are any questions.

Attorney Corbo explained his understanding of this meeting which was due to a resident that lives at Oak Point sending a letter outlining several allegations of violations of the general laws and with respect to the property at Oak Point. The Board has asked Oak Point to respond to those allegations in writing, which has been done. He recommends allowing each side a few minutes to state their case and then the Board can go ahead and make any decisions or take any votes after that.

Paula Fay, 8309 Oak Point Drive, spoke about how the stakeholders are classified into two groups. The residents who came to the park after 2011 and the residents who have been in the park since the beginning. She also noted the class of residents who have moved and no longer live at Oak Point and those who have passed on, these will need to be addressed. Ms. Fay speaks to the Board on behalf of Stephen McDonough and his situation specific to the license fee issue.

Gerry Boissonneault, 806 Crystal Way, spoke to the Board about his situation where he purchased his home and the previous tenants were paying \$16.77 by the time they made their purchase. He



noted that in this case, a credit cannot be offered, the previous tenants would need to receive a payment to return the fees they overpaid.

Attorney Lisa Goodheart explained that Hometown America is working out the calculations and the adjustments that need to be made to make the appropriate accommodation. She noted that Hometown America is planning to prepare for the Board's consideration a more detailed explanation of these adjustments and rent credits. She noted that Hometown is not admitting any legal liability and wrongdoing and they are voluntarily making adjustments because they think it is the most appropriate thing to do. The zoom connection with Attorney Goodheart is lost.

### **TOWN MANAGERS REPORT**

Robert Nunes, Town Manager, reviewed the Town Manager's Report. The report covered January 2, 2022 through January 6, 2022. R. Nunes provided an update to the Board on Farland Estates, he noted that there was a Project Review Committee Meeting regarding the project and the Departments expressed concerns about the infrastructure, drainage and impact to the neighborhood. KP Law has been contacted and they are working on a letter. In the meantime, MassHousing was contacted and an extension was granted to January 31, 2022 to respond with comments on the project. He also updates the Board on the 49 North Main Street project to convert that property to 29 units and the developer will be working through the permitting process.

#### Discussion on Hometown Oak Point License Fee (continued)

*Lisa Goodheart, Sugarman & Rogers and Gregg Corbo – KP Law were present through zoom for the discussion.*

Attorney Goodheart returned to the meeting. She continues her comments by explaining that Hometown American thinks that most residents would prefer a rent credit so that they do not have to do anything. She will take under advisement the fact that several residents expressed that they would rather have a check than a credit. She also will take under advisement that those people that leave the Oak Point Community, do not leave a forwarding address. She will give it some thought as to how to address it.

The Board agrees that Hometown American should work out on its own how it proposes to correct the licensing fee matter and then present it for discussion.

Senator Marc Pacheco, present through zoom, said that he had an opportunity to speak briefly with the Chairman of the Board regarding this matter and he asks that Ms. Fay and her sister contact him at the Senate Office. He explained that they have placed a call to the Attorney General's Office to make sure that Hometown America is complying with the existing Mass General Laws. He was not able to log on earlier due to other meetings but he wanted to offer his services.

Upon motion made by Selectmen Demers and seconded by Selectmen Rosenthal, the Board voted to acknowledge that Hometown America has addressed the issues raised in Ms. Fay's December 1, 2021 correspondence and that it finds that no further action be required at this time, except that Hometown shall report to the Board, in writing, no later than March 7, 2022, with actions taken to

correct the municipal permitting fee issue, and finally, that any resident who has a complaint about Hometown America or the Oak Point Community shall first attempt to resolve the issue with Hometown's designated representative before bringing a complaint to the Board, unless it is a matter that presents an imminent threat to the health and safety of the residents. Motion and second are withdrawn.

Selectmen Battistini suggested to Hometown America that, as an act of good faith, he would like to see an accounting done of the homes that overpaid going back to 1999, so those residents know what amount is owed to them through Saxon Partners as well.

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Demers, the Board voted unanimously to take this issue up on March 7, 2022 at which time the Board expects to hear from Hometown America on the matter.

#### **COMMITTEES, COMMISSIONS AND BOARD**

Selectmen Demers noted that the Peirce Building Reuse Committee will be meeting on Tuesday, January 11, 2022 at 5:30 PM.

#### **CORRESPONDENCE**

#3 – There is reference to the Police Chief's Letter and how the Police Department is going through the Accreditation process with Massachusetts Police Accreditation Commission.

#4 – There is reference to the correspondence regarding the costs of the Maintenance and Support Contract of for the Town's VOIP phone system. The Town Manager noted that he is looking at budging these costs.

#### **ADJOURNMENT**

Upon motion made by Selectmen Battistini and seconded by Selectmen Demers, the Board voted unanimously to adjourn at 8:38 PM.

Respectfully submitted by,

Colleen M. Lieb, Executive Assistant  
MIDDLEBOROUGH BOARD OF SELECTMEN

# **MINUTES**

**for approval on 01/31/2022**

**01/24/2022 – Regular Meeting**



**Middleboro Board of Selectmen  
Meeting Minutes**

**January 24, 2022**

Chairman Dalpe opened the meeting at 7:00 PM.

In attendance were: Selectmen L. Dalpe, A. Battistini, N. Demers, M. Germain and N. Rosenthal. Also present was Town Manager, R. Nunes and Executive Assistant, Colleen Lieb.

This meeting was recorded by MCCAM for broadcast on Comcast and Verizon.

**EXECUTIVE SESSION**

Upon motion made by Selectmen Demers and seconded by Selectmen Germain, the Board voted to enter into Executive Session to Return to Open Session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. (AFSCME DPW Union). Polled vote: Selectmen L. Dalpe - Aye, A. Battistini - Aye, N. Demers - Aye, M. Germain - Aye and N. Rosenthal - Aye

The Board returned to open session at 7:14 PM.

Chairman Dalpe provided an overview of the amendment to the J. Pooler Agreement and the settled DPW three year contract.

Upon motion made by Selectmen Demers and seconded by Selectmen Battistini, the Board voted unanimously to amend the John Pooler Agreement Health Insurance deduction from 30% to 20%.

Upon motion made by Selectmen Battistini and seconded by Selectmen Demers, the Board voted unanimously to authorize the Town Manager to sign the Tentative Agreement with the DPW Employees of the AFSCME Council 93, Local 1700, ratify the contract for signature with a 2.5% increase over three years.

**UNANTICIPATED**

Gerry Biossonneault, 806 Crystal Way, expressed concern for correspondence that was received from Hometown America dated January 21, 2022 addressed to all Oak Point Residents and it indicates that in the near future, how the adjusted rent rate and rent credit are going to be calculated. He asks if Hometown America will be allowed to implement this without consulting with the Board of Selectmen/Rent Board.

Chairman Dalpe confirms that when Selectmen Germain chaired the meeting, it was voted that they would come back to the Board, at its March 7, 2022 meeting and discuss their plans to correct the matter. It is noted that Hometown America can send any correspondence they would like to their residents. It is asked that the Board of Selectmen reach out to Kyle Hurt and confirm that Hometown America will not be implementing anything prior to the March 7, 2022 meeting.

**ANNOUNCEMENTS AND RECOGNITIONS**

Glenn Montapert spoke about the upcoming local elections and encouraged residents to take out papers for the open positions in Town. He thanks the Board for their years of service, kindness and allowing everyone to have a voice.

Selectmen Germain noted that dog licenses are due by March 31, 2022. Residents are reminded to pay their dog licensing fees prior to the deadline so they don't incur a late charge.

**MINUTES**

Upon motion made by Selectmen Battistini and seconded by Selectmen Demers, the Board voted unanimously to approve the 1/3/2022 minutes as amended.

Upon motion made by Selectmen Demers and seconded by Selectmen Germain, the Board voted unanimously to approve the 1/6/2022 minutes as presented.

**WARRANTS**

Upon motion made by Selectmen Germain and seconded by Selectmen Demers, the Board voted unanimously to authorize the Chairman or his designee to sign the warrants for week ending 1/29/2022.

**NEW BUSINESS**

Vote to sign the First Amended Host Community Agreement with Simply Lifted, Inc.

*Matt Boderchuk, President, Simply Lifted was present for the discussion.* R. Nunes presented the Amendment to the Simply Lifted Agreement for home delivery. Selectmen Rosenthal asked about a few specific items that he would like to see in the agreement. He asks to compare the agreement to a recent delivery agreement that was approved. This will be provided for review. Selectmen Germain asked that the incorrect signature page be fixed. This will be brought back to the next meeting and KP Law will be asked to attend the discussion.

Upon motion made by Selectmen Demers and seconded by Selectmen Battistini, the Board voted unanimously to appoint the following former full-time, retired, officers as Retired Reserve Special Police Officers for a one year term to expire on January 31, 2023, Dennis Amaral, Peter Andrade, Charles Armanetti, Deborah Batista, Todd Bazarewsky, John Bettencourt, Ronald Costa, Benjamin Mackiewicz, David Mackiewicz, Stephen Nelson, Mark Pontes, Steven Schofield and Gerry Thayer.

Upon motion made by Selectmen Germain and seconded by Selectmen Battistini, the Board voted unanimously to appoint the following Reserve and Special Police Officers for a one year term to expire on January 31, 2023, Mitchell Benson, Fred Conley, Stephen Craig, Michael Doyle, William Ferdinand, Mark Foster, Matthew Foye, Paul Frost, Bryant Irish, Kelly Jarabek, Andrew Johnson, Michael Johnson, Serge Loiselle, Joseph McGreevy, Raymond Meleski, Daniel Newton, Kendra Perry, Robert Pike, John Ponte, Gustavo Ribeiro, Jose Rodrigues, Kurt Vanderzyde and Chelsea Weiland



Upon motion made by Selectmen Germain and seconded by Selectmen Demers, the Board voted unanimously to appoint the following to the position of Matron for a one year term to expire on January 31, 2023, Amy Dowler, Kelly Jarabek, Katrina Lee and Kendra Perry.

Upon motion made by Selectmen Demers and seconded by Selectmen Battistini, the Board voted unanimously to appoint James Thomasson to the position of Police Chaplain for a one year term to expire on January 31, 2023.

Upon motion made by Selectmen Germain and seconded by Selectmen Demers, the Board voted unanimously to appoint the following to the position of Auxiliary Crossing Guard for a one year term to expire on January 31, 2023, Gill Amaral, Richard Andrews, Shawn Covel, Christine Kozloski, Peter McDermott, James Hutchinson, John Scott Beech, Howard Bumpus and Roy Silvia.

Chapter 61A, off Rocky Meadow St, Assessors Map 044, Lot 6036, "Lot 1" 1.856 acers  
Chairman Dalpe opened the discussion on the Chapter 61A request for property off Rocky Meadow Street, Assessors Map 044, Lot 6036, "Lot 1" that consists of 1.856 acers. There is reference to the recommendations from the Conservation Commission, Board of Assessors and Planning Board for the Town to Not Exercise its Right of First Refusal. There is no comment.

Upon motion made by Selectmen Germain and seconded by Selectmen Demers, the Board voted unanimously to Not Exercise its Right of First Refusal on the Chapter 61A request for property off Rocky Meadow Street, Assessors Map 044, Lot 6036, "Lot 1" that consists of 1.856 acers.

Chapter 61A, off Rocky Meadow St, Assessors Map 044, Lot 6036, "Lot 2" 1.876 acers  
Chairman Dalpe opened the discussion on the Chapter 61A request for property off Rocky Meadow Street, Assessors Map 044, Lot 6036, "Lot 2" that consists of 1.876 acers. There is reference to the recommendations from the Conservation Commission, Board of Assessors and Planning Board for the Town to Not Exercise its Right of First Refusal. There is no comment.

Upon motion made by Selectmen Germain and seconded by Selectmen Battistini, the Board voted unanimously to Not Exercise its Right of First Refusal on the Chapter 61A request for property off Rocky Meadow Street, Assessors Map 044, Lot 6036, "Lot 2" that consists of 1.876 acers.

Vote on Chapter 61A, off Thompson & Precinct Sts, Assessors Map 023, Lots 3732 & 3285  
*Ed Mederios, Applicant, was present for the discussion.* Chairman Dalpe opened the discussion on the Chapter 61A request for property off Thompson & Precinct Streets, Assessors Map 023, Lots 3732 & 3285. E. Mederios provided an overview of the property and noted that the Conservation Commission did vote to send a letter to the Board of Selectmen expressing interested in the protection of the property. Chairman Dalpe noted that the Conservation Agent

**Middleboro Board of Selectmen  
Meeting Minutes**

**January 24, 2022**

would be invited to speak to the Board about what the options are for this property. The Board agrees to place this on the February 7, 2022 agenda for further discussion.

Upon motion made by Selectmen Battistini and seconded by Selectmen Germain, the Board voted unanimously to approve the adjusted amount for the refinancing of 11 Anderson Avenue, a 40B property in Middleborough and subject to the approval of the State.

Upon motion made by Selectmen Battistini and seconded by Selectmen Germain, the Board voted unanimously to authorize the Chairman to sign the Town's Application for the MHC FY '22 Survey and Planning Granted as presented.

Upon motion made by Selectmen Germain and seconded by Selectmen Battistini, the Board voted unanimously to refer Gateway Lane and Paddock Circle Roadway Acceptance to the Planning Board for a recommendation and schedule a hearing for the Roadway Acceptance for Gateway Lane and Paddock Circle Roadway for Monday, February 28, 2022 at 7:30 PM.

Upon motion made by Selectmen Germain and seconded by Selectmen Battistini, the Board voted unanimously to appoint Kelly Jarabek as the Animal Control Officer/Back Up Animal Inspector for the Town of Middleborough with a one year term to expire January 31, 2023.

Upon motion made by Selectmen Germain and seconded by Selectmen Demers, the Board voted unanimously to appoint Rosemarie Archer as the Assistant to Animal Control for a one year term to expire January 31, 2023.

Upon motion made by Selectmen Germain and seconded by Selectmen Battistini, the Board voted unanimously to appoint Derel Lee Twombly as the Animal Inspector/Back up Animal Control Officer for a one year term to expire January 31, 2023.

Upon motion made by Selectmen Germain and seconded by Selectmen Battistini, the Board voted unanimously to approve the List of Races, Practice Dates and Beer & Wine Licensing for the 2022 Season at the Capeway Rovers as indicated and request to be notified if there are any changes in the schedule due to COVID.

Upon motion made by Selectmen Battistini and seconded by Selectmen Demers, the Board voted unanimously to approve an increase in the number of taxis for Stella's Livery Service from five taxis to a total of seven taxis and confirm that all vehicles are registered in Town.

Upon motion made by Selectmen Germain and seconded by Selectmen Demers, the Board voted unanimously to approve the addition of a new precinct and a polling location, Precinct 7, with the polling location to be at the John T. Nichols, Jr. Middle School, located at 112 Tiger Drive and further move to include all the current precincts and existing polling location as indicated.

Upon motion made by Selectmen Germain and seconded by Selectmen Demers, the Board voted unanimously to sign the Order of Taking for Whitetail Lane.



Upon motion made by Selectmen Germain and seconded by Selectmen Demers, the Board voted unanimously to sign the Order of Taking for Thrush Hollow Lane.

### **HEARINGS MEETINGS AND LICENSES**

NEW WRPD HEARING – Application made by Zenith Consulting Engineers, LLC to allow for temporary disturbance within 25’ of a fresh water wetland for the purpose of installing a new 8’ water main, for property located on Precinct Street, Assessors Map 023, Lot 2939

*Ed Mederios, Applicant, was present for the discussion.* Chairman Dalpe reads into the record the legal advertisement and declares the hearing open. E. Mederios spoke about the extension of the water main that starts up near Thompson Street and comes down through a wetland area. There is approximately 1,400 sq ft of fill to do, then the water main install, then the wetlands would be put back with additional seeds and plantings. The disturbance is in the 25 ft buffer zone, of which, is in the Town’s right of way. The Planning Board has reviewed this and they asked that the water main be set off the street so the pavement can stay intact. They are hoping to do this work before March if possible. E. Mederios provided a copy of the recording of the Order of Conditions for the Conservation Commission. He noted that they have already put in the silt fence and waddle for the disturbance. They will be stockpiling the material from the water line. He also noted that they will be following the treeline for construction.

Chairman Dalpe opened the hearing up for comments from the Board. Selectmen Battistini spoke about the extension of the waterline and confirmed that there will not be a loop. Selectmen Rosenthal asked for the Order of Conditions proof of recording. E. Mederios provided it. Selectmen Rosenthal asked who is going to supervise the work to be done. It is noted that the Water Department has an inspector that will be there the entire time the work is being done. E. Mederios noted that he has already applied for the Stormwater permit and the DPW Director has signed off on it.

Chairman Dalpe opens the hearing up for comments from the public. There is a resident that asks where the fire hydrants will be located. E. Mederios shows on the presented plans where the hydrants are existing and where new ones are to be located.

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Battistini, the Board voted unanimously to close the hearing.

Upon motion made by Selectmen Rosenthal and seconded by Selectmen Demers, the Board voted unanimously to find that the proposed use:

- a. Is in harmony with the purpose and intent of the WRPD By-law and will promote the purposes of the Water Resource Protecting Districts; and
- b. Is appropriate to the natural topography, soils and other characteristics of the site to be developed; and
- c. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas, water resources of the Town; and



- d. Will not adversely affect any existing or potential water supply; and grants the WRPD Special Permit.

### **TOWN MANAGERS REPORT**

Robert Nunes, Town Manager, reviewed the Town Manager's Report. The report covered January 10, 2022 through January 21, 2022. He explained that Governor Baker will be acting on the state budget so the Town will know what local aid will be for unrestricted and Chapter 70 Education Funding. The Board and the Finance Committee will receive the FY '23 budget on February 7<sup>th</sup>. R. Nunes spoke about the additional COVID tests kits that have been supplied to the Town. These will be picked up and distributed to the public on Sunday, January 29<sup>th</sup> from 10-2. There will be an allowance of two kits per vehicle and participants must show proof of residence.

### **COMMITTEES, COMMISSIONS AND BOARD**

Chairman Dalpe reminded the Board about the Mass Municipal Associations Annual Meeting, which will be held on Friday through zoom at noontime. She noted that they would like as many Selectmen to be in attendance as possible in order to elect officers.

Selectmen Demers noted that the Peirce Building Reuse Committee will be meeting on Tuesday, January 25, 2022 at 5:30 PM and referenced the survey that is available on the Town Manager's website regarding the reuse of the building.

### **CORRESPONDENCE**

#7– Selectmen Demers noted that there will be a ceremony on Saturday, January 28<sup>th</sup> at noontime to honor Wayne Cash for his Eagle Scout project which was the construction of the fencing around the herb and flower garden at the Oliver Estate.

#2 – Selectmen Germain referenced the summary of legal bills and noted that from July 2021 through November 2021 the Town spent \$33,363.93 with KP Law and \$54,923.25 for Labor Counsel.

### **ADJOURNMENT**

Upon motion made by Selectmen Germain and seconded by Selectmen Demers, the Board voted unanimously to adjourn at 8:30 PM.

Respectfully submitted by,

Colleen M. Lieb, Executive Assistant  
MIDDLEBOROUGH BOARD OF SELECTMEN